

Appln. No. 10/076,542
Amendment dated May 3, 2004
Reply to Office Action mailed March 11, 2004

REMARKS

Reconsideration is respectfully requested.

Claims 1 through 6 remain in this application.

The Examiner's rejections will be considered in the order of their occurrence in the Office Action.

Paragraph 1 of the Office Action

The Examiner has advised that should claims 1 through 5 be found allowable, claim 6 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof.

The Examiner's attention is respectfully drawn to Examiner Note 1 of MPEP §706.03(k) regarding the use of the form paragraph which states "1. Use this form paragraph whenever two claims are found to be substantial duplicates, but they are not allowable. This will give the applicant an opportunity to correct the problem and avoid a later objection". As illustrated by this Examiner Note, the two claims covered by this warning must be substantial duplicates. Claim 6 presents a combination of limitations not found in any claims 1 through 5 as originally filed. The applicant therefore respectfully submits that even when claims 1 through 5 are allowed, claim 6 presents an allowable claim not subject to a duplicate claim objection.

Withdrawal of any objections to claims 1 through 6 under 37 CFR 1.75 is therefore respectfully requested

Paragraph 2 of the Office Action

Claims 1 and 5 have been rejected under 35 U.S.C. §102(b) as being anticipated by Stoner, USPN 2,450,172.

It is submitted that the Stoner reference does not disclose, teach or suggest "said base member comprising a base portion and an extension portion, said extension portion being coupled to said base portion such that

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said extension portion extends upwardly from a side edge of said base portion, said stanchion member being coupled to said extension portion of said base member such that said stanchion member does not engage said base portion of said base member, said base portion for being coupled to the shop vacuum to allow said stanchion member to extend upwardly from the shop vacuum". The Stoner reference teaches an accessory stand for a cylinder type vacuum cleaner that fails to teach the base member comprising a base portion and an extension portion with the extension portion being coupled to a side edge of the base portion and extending upwardly from the base portion so that the stanchion member coupled to the extension portion does not engage the base portion as claimed by the applicant. The Stoner reference teaches saddle portions each having a pair forked members for extending down the sides of the cylindrical vacuum to secure the accessory stand to the vacuum. Therefore, it is submitted that the Stoner reference would not lead one to anticipate the combination of features as claimed by the applicant.

Claim 5 is dependent upon claim 1, particularly as amended, and therefore incorporates the requirements of claim 1. Thus, claim 5 is also believed to be allowable over the cited reference.

Withdrawal of the §102(b) rejection of claims 1 and 5 is therefore respectfully requested.

Paragraph 3 of the Office Action

Claims 1 and 5 have been rejected under 35 U.S.C. §102(b) as being anticipated by Sheker, USPN 2,506,897.

It is submitted that the Sheker reference does not disclose, teach or suggest "said base member comprising a base portion and an extension portion, said extension portion being coupled to said base portion such that said extension portion extends upwardly from a side edge of said base portion, said stanchion member being coupled to said extension portion of said base member such that said stanchion member does not engage said

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base portion of said base member, said base portion for being coupled to the shop vacuum to allow said stanchion member to extend upwardly from the shop vacuum". The Sheker reference teaches a vacuum cleaner support that fails to teach the base member comprising a base portion and an extension portion with the extension portion being coupled to a side edge of the base portion and extending upwardly from the base portion so that the stanchion member coupled to the extension portion does not engage the base portion as claimed by the applicant. The Sheker reference teaches a pair of supporting arms that are coupled together to extend in opposite directions and engage the eyes of runners of the vacuum to couple the support to the vacuum.. Therefore, it is submitted that the Sheker reference would not lead one to anticipate the combination of features as claimed by the applicant.

Claim 5 is dependent upon claim 1, particularly as amended, and therefore incorporates the requirements of claim 1. Thus, claim 5 is also believed to be allowable over the cited reference.

Withdrawal of the §102(b) rejection of claims 1 and 5 is therefore respectfully requested.

Paragraph 4 of the Office Action

Claim 1 has been rejected under 35 U.S.C. §102(b) as being anticipated by Epstein, USPN 4,426,857.

It is submitted that the Epstein reference does not disclose, teach or suggest "said base member comprising a base portion and an extension portion, said extension portion being coupled to said base portion such that said extension portion extends upwardly from a side edge of said base portion, said stanchion member being coupled to said extension portion of said base member such that said stanchion member does not engage said base portion of said base member, said base portion for being coupled to the shop vacuum to allow said stanchion member to extend upwardly from the shop vacuum". The Epstein reference teaches a steaming apparatus that

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fails to teach the base member comprising a base portion and an extension portion with the extension portion being coupled to a side edge of the base portion and extending upwardly from the base portion so that the stanchion member coupled to the extension portion does not engage the base portion as claimed by the applicant. The Epstein reference teaches a fixed pole segment are located near the periphery of the top of the base of the vacuum. Therefore, it is submitted that the Epstein reference would not lead one to anticipate the combination of features as claimed by the applicant.

Withdrawal of the §102(b) rejection of claim 1 is therefore respectfully requested.

Paragraph 5 of the Office Action

Claim 1 has been rejected under 35 U.S.C. §102(b) as being anticipated by Koshiyama, USPN 3,509,590.

It is submitted that the Koshiyama reference does not disclose, teach or suggest "said base member comprising a base portion and an extension portion, said extension portion being coupled to said base portion such that said extension portion extends upwardly from a side edge of said base portion, said stanchion member being coupled to said extension portion of said base member such that said stanchion member does not engage said base portion of said base member, said base portion for being coupled to the shop vacuum to allow said stanchion member to extend upwardly from the shop vacuum". The Koshiyama reference teaches a vacuum cleaner that fails to teach the base member comprising a base portion and an extension portion with the extension portion being coupled to a side edge of the base portion and extending upwardly from the base portion so that the stanchion member coupled to the extension portion does not engage the base portion as claimed by the applicant. The Koshiyama reference teaches a handle being coupled to the upper housing casing so that the handle extends over the upper housing casing and is coupled to opposite sides of the upper housing casing by a securing means at each end of the handle. Therefore, it

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is submitted that the Koshiyama reference would not lead one to anticipate the combination of features as claimed by the applicant.

Withdrawal of the §102(b) rejection of claim 1 is therefore respectfully requested.

Paragraph 6 of the Office Action

Claims 1-3 have been rejected under 35 U.S.C. §102(b) as being anticipated by Mills, USPN 505,060.

It is submitted that the Mills reference does not disclose, teach or suggest "said base member comprising a base portion and an extension portion, said extension portion being coupled to said base portion such that said extension portion extends upwardly from a side edge of said base portion, said stanchion member being coupled to said extension portion of said base member such that said stanchion member does not engage said base portion of said base member, said base portion for being coupled to the shop vacuum to allow said stanchion member to extend upwardly from the shop vacuum". The Mills reference teaches a portable electric light support that fails to teach the base member comprising a base portion and an extension portion with the extension portion being coupled to a side edge of the base portion and extending upwardly from the base portion so that the stanchion member coupled to the extension portion does not engage the base portion as claimed by the applicant. The Mills reference teaches a weighted base that is substantially circular and has the upright extending from the center of the base.. Therefore, it is submitted that the Mills reference would not lead one to anticipate the combination of features as claimed by the applicant.

Claims 2 and 3 are dependent upon claim 1, particularly as amended, and therefore incorporate the requirements of claim 1. Thus, claims 2 and 3 are also believed to be allowable over the cited reference.

Withdrawal of the §102(b) rejection of claims 1-3 is therefore respectfully requested.

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Paragraph 7 of the Office Action

Claims 1-4 have been rejected under 35 U.S.C. §102(b) as being anticipated by Salisbury, USPN 2,453,863.

It is submitted that the Salisbury reference does not disclose, teach or suggest "said base member comprising a base portion and an extension portion, said extension portion being coupled to said base portion such that said extension portion extends upwardly from a side edge of said base portion, said stanchion member being coupled to said extension portion of said base member such that said stanchion member does not engage said base portion of said base member, said base portion for being coupled to the shop vacuum to allow said stanchion member to extend upwardly from the shop vacuum". The Salisbury reference teaches a cap strip guage that fails to teach the base member comprising a base portion and an extension portion with the extension portion being coupled to a side edge of the base portion and extending upwardly from the base portion so that the stanchion member coupled to the extension portion does not engage the base portion as claimed by the applicant. The Salisbury reference teaches a base with a kerf extending down the center of the base with the kerf being for receiving the standard and being retained by the base frictionally engaging the standard. Therefore, it is submitted that the Salisbury reference would not lead one to anticipate the combination of features as claimed by the applicant.

Claims 2 through 4 are dependent upon claim 1, particularly as amended, and therefore incorporate the requirements of claim 1. Thus, claims 2 through 4 are also believed to be allowable over the cited reference.

Withdrawal of the §102(b) rejection of claims 1-4 is therefore respectfully requested.

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Paragraph 8 of the Office Action

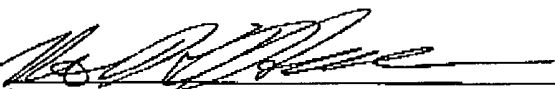
Claim 6 is allowed.

CONCLUSION

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

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